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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David P. Bour, Nathan F. Gardner, Werner K. Goetz, Stephen A. Stockman, Tetsuya Takeuchi, Ghulam Hasnain, Christopher P. Kocot, Mark R. Hueschen
Assignee: LumiLeds Lighting, U.S., LLC
Title: Light Emitting Diodes With Graded Composition Active Regions
Serial No.: 09/912,589 Filing Date: July 24, 2001
Examiner: Unknown Group Art Unit: Unknown
Docket No.: M-8772 US

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E. Willio
4-17-02

San Jose, California
October 30, 2001

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97(b)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, the documents listed on the accompanying form PTO-1449 are called to the attention of the Examiner for the above patent application. Copies of these documents are enclosed.

Citation of these documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

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The accompanying declaration by Applicants pursuant to Rule 1.131 demonstrates conception and reduction to practice of the inventions claimed in the above-referenced U.S. Patent Application prior to June 7, 2001. The successful simulation results are believed to be a reduction to practice in this case since they show the devices would work for their intended purpose. The advantageous band structures achieved in the present invention must be determined by simulation, as they cannot be determined by an actual test. In addition, the accompanying declaration by Applicants' Agent pursuant to Rule 1.131 in combination with the declaration by the Applicants demonstrates conception of the claimed inventions prior to June 7, 2001 coupled with due diligence by Applicants and their Agent from prior to June 7, 2001 to the filing of the above-referenced U.S. Patent Application. Applicants submit that the accompanying declarations remove PCT Patent Application WO 01/41224 A2, cited on the accompanying PTO Form-1449, as a prior art reference.

EXPRESS MAIL LABEL NO:

EL884816631US

Respectfully submitted,

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